ALEXANDRIA GAZETTE AND VIRGINIA ADVERTISER.



ALEXANDRIA, VIRGINIA.

FRIDAY, NOVEMBER 19.

The Spanish Minister at Washington has been officially advised that his Government has conceded to American citizens on trial before courts-martial in Cuba the right to select counsel for their defence. In the opinion of the Spanish Government the treaty of 1795 was not sufficiently definite to meet such cases it the event of insurrection in the Island, but the present arrangement settles the question and disposes of the reported difference between the United St-tes and Spain.

In this connection the Washington Republican, a paper, wholly in the interest of the preseat administration, has a long double-leaded editorial to day upon "the administration and the Cuban Government," in which it says that "the President is desirous of responding to the evident wish of the American p ople that the Government shall do everything that it can legitimately for the advancement of the interests of the struggling republicans on the island of Cuba." But it adds ;-"Whatever the President's personal sympathies maybe, it is positive that he has not allowed them to influence bim in his official tra isactions, and the policy of the Administration is not for war, but for a dignified and determined maintenance of the obligations of our Government, at the same time demanding the same recognition of the obligations of other Governments in return." Nevertheless, according to the Republican, the President and Secretary Fish who, it says, are in perfect accord on the sulject "have not hesitated to point out in the most distinct manner what they believe to be the inevitable result in the future of the present condition of affairs in Cuba, viz: The independence of the Island of European control. But they have never threatened a recognition of that independence as the alternative of any act or failure to act by the Spanish Government."

Mayor Latrobe, of Baltimore, Mr. Robert T. Baldwin, of the Board of Finance, and Mr. Alexander Rieman, director on the part of Baltimore in the Virginia Vailey Railroad, held a consultation yesterday in reference to the property at that point, has been finally decided course of action to be pursued by the city rep- in the company's favor. resentatives at the meeting of the stockholders of the Virginia Valley Railroad, to be held at Staunton, November 30th. Baltimore beng interested to the amount of one million dollars in that road. It was decided that Mr. Rieman should represent the city at the meeting. The directors in the Virginia Valley Railroad on the part of the city are understood to be in favor of the proposition submitted by the Supervisors of Bote-

In an article, upon the "Press," the Richmond Whig says :- "Newspapers are very ex pensive and exacting. They involve a greater outlay of money and require more labor and time perhaps, than any other enterprises. Their publishers, therefore, find it necessary to practice that caution which prudent men observe in every department of business. If they did otherwise they would be foolish. A newspaper is like an individual who is always before the public, and if it foolishly blurts out everything that pops into its head, it may ruin itself at any moment. It must have a due regard to its own interests while it serves with fidelity the interests of the public."

Rev. H. R. Revels, the colored ex Senator from Mississippi, has written a letter to the President concerning the political situation in that State, in which he says: "The bitterness and hate created by the late civil strife, has, in my opinion, been obliterated in this State, except, perhaps, in some localities, and would have been entirely obliterated were it not for some unprincipled men who would keep alive the bitterness of the past and inculcate a hatred between the two races in order that they may aggrandize themselves by office and its emoluments."

The Lynchburg Virginian says that it is a lamentable fact that, under present circumstances, the money invested by individuals and corporations in Virginia railroads, is, so far as profits, in the shape of dividends, are concerned, utterly thrown away. And this, it says, will continue to be the case until our population and productions, both of the field and of the mine, are largely increased; which we hope will not be long.

Mr. S. Treaakle Wallis, of Baltimore, has sent a communication to Governor Groome, of Maryland, declaring that he contests the election of Mr. Gwinn to the office of attorney general of the State. He holds that the election on the 2d of November in the city of Baltimore was rendered wholly void by fraud, intimidation and violence, and therefore the returns from the city cannot be lawfully counted.

St. Nicholas for December will be read with delight by the little folks, filled, as it is, with most interesting matter and full of beautiful illustrations. It has as a frontispiece an original portrait of "Hans Christian Andersen," surrounded by several of the representative creations of his fancy.

The official majority in New York city for Bigelow, dem., for Secretary of State, is ascertained to be 29,660, instead of 30,401, as heretofore generally accepted by the press as the re-

The dedication of the new Masonic Temple at Norfolk, took place yesterday, in the presence of a large crowd of masons and other citizens, General Taliaferro, Grand Master of the State, officiating. Morton Commandery of New York, St. John's Commandery of Philadelphia, and Appomattox Commandery of Petersburg were present, together with lodges from Suffolk, Deep Creek, Smithfield, Old Point Comfort and Hampton. After the ceremonies the procession marched to Johnson's Hall, where there was a splendid banquet. Speeches were made by Gen. Taliaferro, Colonel Owens, Colonei Roper, Hon. John Goode, r.. and others.

The Tuolumne (Cal.) Independent says: Millions of pounds of mustard, commanding from 2½ to 4 cents per pound, are annually shipped to Europe from around Los Angeles. A very delicate sweet oil is pressed from it, devoid of acrid taste, returned to this country and sold for olive oil. The cake which remains after the oil is expressed is ground up into the ordinary mustard of commerce."

The libel suit of ex-Governor Shepherd, of Washington, against Whitelaw Reid of the New York Tribune, was before the District Criminal Court yesterday on a motion of Reid's counsel to quash, but owing to the absence of counsel argument on the motion was postponed to a future date, probably the first Saturday in the December term.

At Salt Lake City yesterday Chief Justice White, on a writ of habeas corpus, decided that the order of Judge Boreman, committing Brigham Young for contempt in refusing to obey the order of Judge McKean requiring him to pay alimony to Ann Eliza Young, is void and that he is wrongfully imprisoned and should be discharged.

The Grangers' District Council of Southern Ohio, Southeastern Indiana and Northern Kentucky have passed resolutions expressing the belief that the hog crop is about 25 per cent. short, and therefore arging farmers not to part with their hogs without a very considerable increase over prices now current.

The report of President Robinson, of the Richmond, Fredericksburg and Potomac railroad, shows the revenue of the company for the past year to have been \$382,298.14, and the expenses \$180,049.38, leaving a net revenue of \$202,248.76.

The Virginia Conterence of the M. E. Church South convened in Danville on Wednesday. Only regular routine business was transacted. Rev. Mr. McGehee, of Manchester, preached the introductory sermon.

The Harper's Ferry case, involving the title of the Baltimore and Ohio Railroad Company to the right of way, &c., over the government

Rev. Mr. Nelson, rector of the Episcopal church at Chatham, Va., is going to the church at Lexington, as assistant to Rev. Dr. Pendleton. His place at Chatham has not yet been supplied.

Miss Lucy Gordon, one of the oldest residents of Gordonsville, and from whose family the town derives its name, died on last Thurs-

Littell's Living Age, for this week, full of most interesting selections, has been received.

EDITORIAL NOTES.

Teachers in Tennessee are hereafter to be

paid salaries without distinction of sex. Congress will meet on Monday, December

6. The Legislature on Wednesday, the 1st. Wood fires, with the old style brass andirons, shovel and tongs are becoming fashionable

The Washington Board of Health have refused permission to a man to kill a healthy horse to be salted down for food.

One of Moody's strong utterances is: "Do you suppose there is a man in Brooklyn who would have a photograph of his heart taken?" The total production of distilled spirits in

gallons a day-1 slight decrease this year. A dispatch from Franklin, Southampton county, Va., says that Docia Portness shot and

the United States, October 1, was 183,384

killed Polly Joyner in a quarrel about a hog. The New Bedford whale fishing interest is said to be reviving under the influence of better luck than for any previous year since 1863.

A good time to go a fishing. The British unseaworthy ships law went into operation on the 1st, and among the signs of its new requirements is a load line painted on

the sides of all outgoing vessels. The smallpox is said to have made its appearance in Washington. With Congress and the smallpox, they'll have a bad time in Wash-

ington this winter. The Correctional Court of Strasbourg has condemned eighteen young men to fines of six hundred marks each for trying to evade Ger-

man military service. An exchange wants to bet that no woman who wears a diamond can keep her hand in her muff five consecutive minutes. We did not know that diamonds were intended to be worn

A man, who stoned his wife to death, has just been condemned by the Court of Creuz to imprisonment for life, the jury bringing in a verdiet of "guilty," with "extenuating cir-

The Cincinnati Gazette has ten columns of the life and doings of Senator Morton, of Indiaana, and his eminent fitness for the Presidential nomination. If the "sketch" is a true one, the publication will kill him as dead as Julius

A New Hampshire paper says that out of the dozen men who have been in trade at Moultonborough Corner since 1830, one-haif have become common drunkards and gone to as these are sufficient to enable me to present had been forbidden to do, thus showing from sult. This reduces Mr. Bigelow's majority in fill drunkark's graves. Only one accumulated my views upon one or two controlling questions the first section to the last that the Legislature and the Board adjourned.

THE RAILROAD SUIT.

CITY COUNCIL VS. A. & W. R. R.

Decision in favor of the City.

OPINION OF JUDGE KEITH.

In the suit of the Alexandria and Washington Railroad Company vs. the City Council of Alexandria et al., injunction to restrain the City Council from tearing up and removing the track on St. Asaph street, between Princess and King streets, which was argued on Tuesday last by Messrs. H. O. Claughton and David L. Smoot, and Charles E. Stuart for the city, and S. F. Beach for the company, and submitted for decision upon the merits, Judge James Keith delivered the following opinion

The Alexandria and Washington Railroad Company vs. The City Council of Alexandria

The object of this suit is to restrain the officers of the city of Alexandria in the execution of an ordinance of the City Council directing the railroad track of the plaintiff to be torn up from Princess street to King street, in said city, unless the same should be voluntarily removed within thirty days from the date of said ordinance.

The plaintiff avers that it is a corporation duly organized under an act of the Virginia Legislature, passed in the year 1854, for the purpose of constructing and operating a railroad from the city of Alexandria to the city of Washington; that in pursuance of said charter 1856, it entered the limits of said city, coming south as far as Princess street. This ordinance was coupled with certain conditions, which it appears have never been complied with by the plaintiff. By another ordinance, passed a short ime alterwards, the plaintiff was permitted to come about a half square further south in the direction of King street.

It also appears that about the beginning of the year 1862 the plaintiff being, from some cause, embarrassed, proceedings were taken by certain parties to sell the road under a deed of trust, which the plaintiff had theretofore made, and at the sale certain parties who became the purchasers assumed to themselves the name and style of the Washington, Alexandria and Georgetown railroad, and claimed to own and to exercise, by virtue of the statute in such case made and provided, all the franchises, rights, and privileges theretofore appertaining o the Alexandria and Washington railroad.

In February, 1863, the Legislature of Virginia, then in session at Alexandria, under the authority of the restored government, passed an act, at the instance of the so-called Washington, Alexandria, and Georgetown Railroad Company, in which said act reference is made to the sale under the deed of trust of the Alexandria and Washington Railroad, and the said sale was declared to be to all intents and purposes a valid and binding one. This, and only first act. Indeed, I understand the learned pose, in professed compliance with the law and of F bruary, 1863

In January, 1864, the Washington, Alexandria, and Georgetown Railroad Company again appear before the Legislature seeking an extension of their privileges, and as though some doubt were even then felt as to the character of the title by which it assumed to exercise corporate franchises and privileges, the Legislature was called upon again to give the assurance that it was without doubt a body corpomight proceed at once to increase its stock and double its debts.

In the meantime this corporation was then in possession of and for years continued to enjoy the road of the plaintiff from Princess street, in the city of Alexandria, to Washington, and of all the other property rights and franchises of the plaintiff. During this period the city of Alexandria, by one or more ordinances, permitted the Washington, Alexandria, and Georgetown Railroad Company to lay its track along St Asaph street, from Princess (its orithree squares. The plaintiff having soon after the termination of the war brought suit in the Circuit Court of Alexandria county against the Washington, Alexandria, and Georgetown Railroad Company for the recovery of its property, such proceedings were had that, in December, 1867, a decree was entered declaring this company with all the corporate powers bethe sale by the substituted trustee of the Alexandria and Washington railroad void and the incorporation of the Washington, Alexandria, and Georgetown Railroad Company under said sale a nullity. (19 Gratton, 598.) From this a corporation? But to say that the act of 1864 decree an appeal was taken, and at January term, 1870, of the Court of Appeals the decree of the Circuit Court was affirmed, the Court of which the act of 1863 declares then existed, Appeals going even further than the Circuit but the act of 1864 declares the same thing. Court, for Judge Willoughby, delivering the opinion of the court, considers the effect of the act of February, 1863, purporting to validate said sale, and declares that it was in plain violation of the constitution, in that it was an trust, to all the franchises, rights and priviassumption of judicial power by the Legislature, and therefore void. It is to be regretted that the effect of the act of 1864 was not also brought in question, as a decision on that point would have put at rest all doubts which may now exist in the minds of some as to the existence of the Washington, Alexandria, and Georgetown Railroad Company by virtue of that act. By the decision, then, of the highest court of this Commonwealth, the plaintiff was

reinstated in the possession of all which had been wrongfully taken from it-that is of the railroad track from Princess street to Washington, its other property, and the right to use and operate the same. Having been thus clothed anew with its char ered rights, the plaintiff acquired of the Washington, Alexandria and Georgetown Company the track which it had laid as above mentioned, from Princess street to King, and went on to use the same as the Washington, Alexandria and Georgetown Railroad Company had done; and while this use of the track in dispute was permitted by the city, I cannot find any ordinance such as the bill of com plainant refers to, ratifying and confirming to the Alexandria and Wash ington Railroad the privileges conferred upon the other Company. On the contrary, in the act of 1864, to create a corporation, these facts agreed, it is stated that the "City Council has never in any form authorized the Alex- theory that it was only conferring additional andria and Washington Railroad Company to privileges upon an already existing organized use St. Asaph street, between Princess and King streets; and has never directly or indirect- | and proper. ly recognized or ratified any transfer arrangement, or contract made by or between the Alexandria and Washington Railroad Company, and the so-called Washington, Alexandria and Georgetown Railroad Company with regard to pany, thus (to use the language of the first the track on St. Asaph street." Except in so section) lawfully succeeding to its rights, is emfar the agreed statement goes on to say as such | powered to permit the road to pass into the ratification and notice may be implied from the exclusive control of a corporation without the

the uselves, as it were by a contract with t e that this recognition creates a corporation by had been consumed by expenses. are now seeking to impair, and that the plain- Legislature did not intend by that act to create dies,) required a large weekly cash payment, that contract are authorized to resist its infract the intent of the Legislature," says Judge tion, or if the claim is not that of a contract, it Dillon, but whether this be so or not in the is that the conduct of the city has given the quotation above made from Judge Dillon's pany vested rights, which now enure to the under which a corporation is held to be creatbenefit of the plaintiff, and which the city now ed by implication. Where powers and privilseeks to destroy. However, the pretensions of eges are confered upon a body of men which the plaintiff may be stated, it claims the rights, cannot be exercised or enjoyed without corpowhich it now asserts, through the Washington, rate capacity a corporation is to this extent Alexandria and Georgetown Railroad Company, created by implication. There are certain and the proposition is involved, that the last powers and privileges conferred by that act, ing and transmitting those rights. This is most necessary to their enjoyment. The company energetically denied in the answer of the City is authorized to increase its capital stock. Council. It is denied with emphasis that the What stock? Why the stock to which it had Washington, Alexandria and Georgetown Railroad Company is or ever was a corporation, such as it claimed to be. Now it has been con- dria and Washington Railroad. It was autended that, in this suit, this Court is powerless to determine whether it was or was not a upon its promissory notes. What property in corporation; that this can only be done by quo | the opinion of the Legislature was to be pledged warranto or seire facias. This is very true if for the redemption of those bonds and notes? the object here was to determine the cor- Why the property of the Alexandria & Washporate existence of a corporation, but I ington Railroad. It was authorized to permit law or in equity, where a corporation andria Railroad, to pass into the hands of a invokes the authority of the Court, the defen- foreign corporation. And yet we know to-day dant can put its corporate existence in issue, that as matter of legal right it never had any and that issue the Court is as much bound to control over stock or property of that road, for sume it will not be seriously questioned, can it render their title invalid; it merely declared Court for the assertion of rights dependent it had no title whatever to the property it had York office. From the commencement of the upon the existence of another corporation, seized. The only thing, therefore, which the ing that existence the very body and founda- which it was legally possible for it to do, was tion of its claim, and when the defendant denies such existence be allowed to shelter itself under such a rule? I think not. The plainthe road was constructed, and by and with the tiff does not claim to be the immediate grantee consent of the city of Alexandria, passed in of the city, if I may use the expression, its immediate grantor is the corporation whose existence the city denies. It seems to me then to be of the very essence of the title it asserts tance, long or short? I think not. Charters to show that its grantor was capable of receiving and transferring rights. It is part of the burden the plaintiff has voluntarily assumed in authority to this railroad company so called to invoking the aid of the Court. I shall therefore proceed to enquire whether the Washington, Alexandria and Georget swn Railroad Company ever had any corporate existence capable, in the language of the answer, of receiving and transmitting the rights and privileges the authority. The code says that a railroad complaintiff now seeks to enforce. It has already been seen that the effect of the sale under the deed of trust by which this so called company | it has a legislative charter to build a road. The acquired possession of the property of the complainant, and the eff et of the first act of Assembly of February, 1863, has been passed upon by the Court of Appeals; and the pretended sale, and the act by which it was intend- and that the acts of recognition, on the part of ed to cure any defects in the title thereby derived, have been declared null and void. This ate capacity. On this point I shall content mycorporation then, if corporation it be, derives self with the citation of a single authority, the existence from the act of January, 1864. Of course the last act so far as it undertakes to do Pickeet 19, New York 482, in which it is dewhat the Courts have declared was a vain thing in the act of 1863 is equally augatory and ineffectual. Its ratification of the sale by implication is certainly of no more force and effect than the direct confirmation of the sale by the formation. Proceedings, taken for that purthis, is the sole scope and purpose of the act | counsel for the plaintiff to concede that this company acquired no corporate existence under the most important is the law authorizing its the sale or under either act so far as they sought | formation, and such a law has not been shown to validate the sale. It therefore only remains in this case. For these reasons I am of opinto inquire whether the act of January, 1864, independently of the sale or any mention thereof in said act, created this company a body corporate, with the rights and powers which are now claimed for it. And here I will remarke that I am not ignorant that a corporation may be created by implication. Judge Dillon, in rete, and to render assurance doubly sure, it his valuable treatise on Municipal Corporations, at section 22, uses the following language: "If powers and privileges are conferred on a body of men or upon the residents or inhabitants of a town or district, and if these cannot be exercised or enjoyed, and if the purposes incended cannot be carried into effect without acting in a corporate capacity, a corporation is to that extent created by implication. The question turns

be shown constructively as well as expressly." This authority is of value not only as showing that corporations may be created by impliginal termious) to King street, a distance of cation, but that the whole question is one of legislative intent. If this be so can it for one moment be supposed that the Legislature which bad, in 1863, passed an act which, i valid, (and the Legislature of course presumed it to be valid), had already recognized and ratified the sale, the effect of which was to clothe fore enjoyed by the Alexandria and Washington railroad, would turn round and erect that into a corporation which it had thus solemply. within less than a year, declared was even then created a corporation not only stultifies the Legislature in making it create in 1864 that In the very first section of the act it is declared that the Washington, Alexandria and George town Railroad Company, a corporation lawfully succeeding, by purchase under a deed of leges heretofore granted to the Alexandria and Washington railroad, may increase its capital stock, &c. Now, if this recital be true, and it is to be presumed that the Legislature believed it to be true, then this corporation had been in existence ever since the sale took place. As a matter of course then the Legislature, by the act of 1864, did not intend to create a corpora-

upon the intent of the Legislature, and this can

Again, there is an utter absence in this act of all the phraseology usual on such occasions. There is no authority given the company to "have a seal," "to sue or be sued," or to have perpetual succession. No officers are provided for; no president; no board of directors; no corporators named; no object stated; no powers conferred except those already referred to of borrowing money and increasing the capital stock. Not that I am to be understood as saying that these provisions are to be found in all charters-many, if not most of them, may be absent and still a corporation may be createdbut I am looking into the intention of the Legcreate a corporation by the act of 1864, and on that question of intention I deem these most unusual omissions of value. Upon the theory that the Legislature intended, by the corporation, the omissions are altogether right

Again, by the 4th section of the act a restriction which had been imposed by the Legislature of 1854 upon the Alexandria and Washington railroad is repealed, and this comfacts appearing in this case. I do not deem it limits of the Commonwealth, which the Alexnecessary further to state the facts of the case, andria and Washington Railroad Company in the cause, it not being my purpose to follow had no thought by that act of creating a corin the cause, it not being my purpose to follow had no thought by that act of creating a corand discuss very many of the points made by poration, but was merely conferring some comment in July, 1874, until the day before the aminution made. As soon as the President was

road Company. In other words it claims that succeeded lawfully to the franchises of the pished all that could have been accomplished the privileges conferred upon the Washington, plaintiff, as the Legislature declared it did do, Alexandria and Georgetown Railroad Company | the plaintiff o e instanti, would have ceased to ous daily session down to July, 1875. At that by virtue of certain arrangements between them exist except for certain specified purposes. date the total amount which had been realized would enure to the benefit of the plaintiff. It But it is said that the act of 1864 is a Legisla on sales of tickets from the beginning, was claims that the city authorities have bound tive recognition of corporate existence, and \$25,000, and the larger part of that amount W., A. & G. Co., the obligation of which they implication. I think I have shown that the Washington, Alexandria and Georgetown Com- work the author sets out the circumstances mentioned was a corporation capable of receiv- but I do not know that corporate capacity was succeeded as the lawful owners, by purchase, in the opinion of the Legislature of the Alexanthorized to sell its bonds and borrow money apprehend that, in any case, either at the railroad, that is the Washington and Alexdecide as any other. If this be so, and I pre- the Court of Appeals, by their decision, did not be possible that the complainant can come into that which was always the fact, namely, that averring the existence of that corporation; mak- Legislature authorized this company to do, to borrow money and sell its bonds. If corporate existence be necessary for the enjoyment From July 1st to September 30th, 1875, so of such privileges then to that extent the Washington, Alexandria and Georgetown Rail- date, the aggregate had reached the sum of road Company was by implication a corpora- \$50.730 37 100. In that brief period the agtion. But does all this imply a grant of power to build a railroad anywhere, or for any disare to be strictly construed, but no strictness of construction need be invoked to exclude all

build a railroid. The only semblance of authority it ever had was such as it derived from the city of Alexandria to build a road from Princess to King. But there was no power in the city to grant such pany shall not occupy the streets of a town without its consent first obtained, even where legislative charter is essential in all cases, and the consent of the town is of no avail without the legislative charter. It may be supposed. however, that this was a corporation de facto, the city, estops it now from denying its corporcase of the Methodist Episcopal Church vs. cided that, "to establish a corporation de facto against one who has recognized the corporate character by contracting with it, it is sufficient to show the existence of a law authorizing its acts of subsequent user." Of all these requisites ion that the . Washington, Alexandria and Georgetown Railroad Company was not a corporation capable of receiving and transmitting the rights which the plaintiff now seeks to enforce; that the plaintiff has not made a case, which entitles it to a perpetuation of the injunction heretofore awarded; and that the same be dissolved; and as this cause was submitted for a final determination of all matters arising therein that the bill and cross bill be dismissed. with costs to the defendant, the City Council

of Alexandria. THE MONTPELIER FEMALE HU-

MANE ASSOCIATION. REPORT OF PRESIDENT BARBOUR

The President and Board of Managers of the Montpelier Female Humane Association, in accordance with the request of the Committee have investigated the affairs of the Alexandria office with a view to ascertain which, if any, "of those officers of the Association to whom were entrusted the details of the management watchful care over their agents that we think they should have done" or by their negligence permitted frauds to be comm t ed.

Before making any statement of the result of this investigation or making any comments on that subject, the Board take occasion to state their own position in reference to the transactions of the Association, and their connection with the management of the drawing and con cert on the 30th of September:

The Montpelier Female Humane Association was chartered by the Legislature of Virginia by an Act passed April 15th, 1874. In accordance with the provisions of the Code of Virginia a chart r was also granted by the Circuit Court of Orange county. The establishment and maintenance of a hou e at Montpelier for destitute Virginia ladies was declared in the

charter to be the object of the corporation. To that end the corporation was authorized to purchase and improve the Montpelier estate and, to obtain the means required for that pur-

pose, its powers and privileges were granted. The parties named in the charters organized May 5th, 1874, and elected a Vice President, Treasurer and Secretary. They then tendered the Presidency of the Association to the present incumbent. Approving the general purpose of the Association, and regarding the concert and drawing as a mere temporary agency to collect the means necessary for the large and noble enterprise proposed, he accepted the position offered him by the Managers. If a mere lottery had been the ultimate object of the Association, he presumed that the respectable and worthy gentlemen who constituted the Board of Managers would not have embarked in the enterprise. For the general purposes of the Association he regarded the Board to be islature to ascertain whether it intended to well selected. For a mere lostery business matter he neither had inclination nor capacity. The Board of Managers concurring in the view that neither he nor they could be expected to give much personal attention to the business of the Alexandria office in connection with the omissions are utterly inexplicable; upon the concert and drawing, he accepted the Presidency, on condition that full power over that part of the business should be given to the Vice President, Judge William G. Williams, aided by the Secretary, Mr. E. P. Aistrop. That part of the business required no President and Board of Managers, but only an hon est, intelligent and energetic business management. The Vice President, Judge William G. Williams, of Orange, by a life time of upright conduct, had established a character which all were ready to accept as a full

King Alfonso's response to Don Carlos is in the shape of a command to General Quesada the shape of the South the shape of the South the shape of the South to General Quesada the shape of the South the shape of the sale and the act of 1863. In this conducted the business of the Alexandria office. The Vice-President, aided by the Secretary, which it verily believed already existed by virtue of the sale and the act of 1863. In this conducted the business of the Alexandria office. The Vice-President, aided by the Secretary, which it

guaranty against any wilful. wrong. Nor

do they now mean to express any disap-

pointment in this regard. Sufficient pow-

er and control were given to Judge Williams,

if the Board of Managers had been in continu-

tiff having acquired the rights conferred by a corporation, and "the question turns upon The cost of advertising, postage, reats, &c., was in the aggregate large. Had the Alexandria office been closed in

July, 1875, the errors and troubles that occur-

red afterwards might have been avoided, and the President and Managers relieved of the painful labor that has been imposed on them since September 30th. But those who had then invested in tickets, would have been in no better condition than they now are. Judge Williams and Mr. Aistrop neither abandoned the enterprise, nor called the Board together. They pursued a bolder and more hopeful course. They sought the aid of experts in the lottery business in New York. We believe they used their best judgment and energy in that effort. They interested parties recommended to them as having successful experience in this business. They employed, as general agent, Mr. F. Metcalle, of New York city. After these arrangements were perfected, in the early part of July, Messrs. Williams and Aistrop seem to have expeeted, with much confidence, that a successful drawing could be made by October 1st. 1875. In this they were encouraged by the prospect of large sales from the New York office and its agencies. An assurance that there would be a drawing on the 30th of September was advertised. The largely-increased sales from the Alexandria office and its agencies were calculated to encourage the hopes of these of ficers, as to the sales expected from the New organization in the summer of 1874, down to July 1st, 1875, there seems to have been 10alized from sales through the Alexandria office and its immediate agencies about \$25,000. much did those sales increase that, at the last gregat : was twice as large as it had been in all the preceding time. If Messrs. Williams and Aistrop had been aware of the true condition of the sales in the New York office, and thagencies, their action in permitting the drawing on the 30th of September would be inexplicable. For the firs time the Association was beginning tract large attention, and the sales

from their own office, and its immediate agents. were realizing their hopes. A continuance of this condition of the business would bring to their office more money than could be realized by any fraud, however successful. The drawing of the 30th September arrested the progress of the Association

when assured of success. There had been sent to the New York office 48.365 tickets for sale. The agent there had been instructed to purchase the tubes or quills to be used at the drawing, and to have printed on slips the numbers of all the tickets -from 1 to 100,000. Those numbers corresponding to the numbers of the tickets for sale at the New York office were to be retained tle e and remitted as sales were made. The remainder were sent to Alexandria. Out of these last had to be selected the stips containing numbers corresponding to the numbers of the tickets sold from the Alexandria office and its direct agencies. This of course required

time and labor. Packages containing slips with numbers corresponding with the numbers of the tickets for sale at the New York office were received at the Alexandria office.

These packages are stated to have been marked "ready to be quilled." Those having charge of the Alexandria office affirm that they supposed these were sent from the New York office and that they represented tickets actually sold from that office. The available force in the office at Alexandria was employed in quilling these numbers for the wheel until Monday before the drawing. Then a similar work was commenced on the numbers sold from the Alexandria office. Nearly all this work on both the classes of those papers was perform d by the ladies in the Alexandria office, and necessarily required much time and attention. As fast as this work progressed the quills or tubes were placed in bags and sealed up. In his way the numbers of those tickets sold at the Alexandria office, and of those supposed t) have been sold through the New York office, were placed in separate bags. There were of ficket-holders in the late proposed drawing, about twenty of those sealed bags -the numbers sold from the Alexandria office filling two or three of them. In the hurry of the preparation for the drawing on Thursday morning a number of hands had to be employed in the of the Alexandria office have not exercised that transportation of these tubes or quil s from the office to Sarepta Hall, where they were placed in the wheel. In the course of this work a portion of these tubes or quills were stolen and were never placed in the wheel. Neither the committee of ticketholders nor the managers have been able to ascertain by whom this was done. To express any suspicions they may entertain would do no good and might be unjust.

Mr. Metcalfe, the New York agent, at the call of the committee of ticketholders and the managers, appeared promptly before them and denied that the boxes marked "ready to be quilled," received from New York, were sent from his office and by his authority. By whom they were sent, and with what motive, admits different conjectures. It may have been done by parties seeking to injure this Association. It may have been done by parties connected with the Association who expected to profit by the frau!. By whomsoever done, it ought to have been detected and prevented if those who were managing the Alexandria office had exercised a more vigilant guard and more suspicious care over the affairs of that office. In a matter so important they should have ascertained facts and not relied on presumptions. Judge Williams and Mr. Aistrop at the close

of the investigation promptly tendered their resignations. They awated the close of the investigation to enable any proof of their complicity in the fraud to be brought forward. Being relieved of such a charge they vacated their offices to enable the managers to organize the Association in accordance with the wishes of the new stockholders. We take pleasure in stating that they so preserved the papers in their office as completely to expose the fraud and fully justify the Board in declaring, as they did declare the whole drawing void. The destruction of two or three of those papers would have rendered all this difficult if not

The Board of Managers under this new organization will have important business settlements to adjust with the New York agents. They trust that the result of those settlements will confirm the favorable opinion which the Ticket-holders Committee seem to entertain of Mr. Metcalfe. They have no reason to apprehend that it will not. But until then it is obviously improper for them either to commend or criticise those who are connected with that

The drawing commenced about 11 o'clock on Phursday, September 30th. It continued until nearly 7 o'clock p. m. on Friday. The President retired from the hall before midnight of the 30th. Everyone then seemed to be satisfied with the fairness of the proceeding, and no intimation was made that any fraud was attempted. If such an intimation had been made to the President, or any member of the Board,